

1 **SECTION 233.** 938.31 (2) of the statutes is amended to read:

2 938.31 (2) HEARING TO THE COURT; PROCEDURES. The hearing shall be to the court.

3 If the hearing involves a child victim, as defined in s. 938.02 (20m) (a) 1., or a child
4 witness, as defined in s. 950.02 (5), the court may order that a deposition be taken
5 by audiovisual means and allow the use of a recorded deposition under s. ~~967.04 (7)~~
6 to (10) and, ~~with the district attorney, shall comply with s. 971.105 967.22.~~ At the
7 conclusion of the hearing, the court shall make a determination of the facts. If the
8 court finds that the juvenile is not within the jurisdiction of the court or the court
9 finds that the facts alleged in the petition or citation have not been proved, the court
10 shall dismiss the petition or citation with prejudice.



****NOTE: This section reconciles -0012/P2 and -3257/P2.

11 **SECTION 234.** 938.31 (3) (a) 4. of the statutes is amended to read:

12 938.31 (3) (a) 4. "Statement" has the meaning given in s. ~~972.115~~ 972.18 (1) (d).

13 **SECTION 235.** 938.31 (3) (d) of the statutes is amended to read:

14 938.31 (3) (d) Notwithstanding ss. ~~968.28~~ 968.315 to ~~968.37~~ 968.405, a
15 juvenile's lack of consent to having an audio or audio and visual recording made of
16 a custodial interrogation does not affect the admissibility in evidence of an audio or
17 audio and visual recording of a statement made by the juvenile during the
18 interrogation.

19 **SECTION 236.** 938.315 (2) of the statutes is amended to read:

20 938.315 (2) CONTINUANCE FOR GOOD CAUSE. A continuance may be granted by
21 the court only upon a showing of good cause in open court or during a telephone
22 conference under s. 807.13 on the record and only for so long as is necessary, taking
23 into account the request or consent of the representative of the public under s. 938.09
24 or the parties, the interests of the victims, and the interest of the public in the prompt

1 disposition of cases. In ruling on any motion or other request for a continuance or
2 delay of the proceedings, the court shall also consider and give weight to any adverse
3 impact the delay or continuance may have on the well-being of a victim or a witness,
4 as defined in s. 950.02 (5), if the victim or witness is a child. In addition, if a victim
5 or a witness is a child, the court and the representative of the public under s. 938.09
6 shall take appropriate action to ensure speedy proceedings in order to minimize the
7 time during which the child must endure the stress of his or her involvement in the
8 proceedings.

9 **SECTION 237.** 938.396 (1) (a) of the statutes is amended to read:

10 938.396 (1) (a) *Confidentiality.* Law enforcement agency records of juveniles
11 shall be kept separate from records of adults. Law enforcement agency records of
12 juveniles may not be open to inspection or their contents disclosed except under par.
13 (b) or (c), sub. (1j) or (10), or s. 938.21 (2) (f), 938.293, or 938.30 (2) or by order of the
14 court. (2m)(c)1

15 **SECTION 238.** 938.396 (2g) (dr) of the statutes is amended to read:

16 938.396 (2g) (dr) *Presentence investigation.* Upon request of the department
17 of corrections or any other person preparing a presentence investigation under s.
18 972.15 973.004 to review court records for the purpose of preparing the presentence
19 investigation, the court shall open for inspection by any authorized representative
20 of the requester the records of the court relating to any juvenile who has been the
21 subject of a proceeding under this chapter.

22 **SECTION 239.** 938.535 of the statutes is amended to read:

23 **938.535 Early release and intensive supervision program; limits.** The
24 department may establish a program for the early release and intensive supervision
25 of juveniles who have been placed in a juvenile correctional facility or a secured

1 residential care center for children and youth under s. 938.183 or 938.34 (4m). The
2 program may not include any juveniles who have been placed in a juvenile
3 correctional facility or a secured residential care center for children and youth as a
4 result of a delinquent act involving the commission of a violent crime as defined in
5 s. ~~969.035~~ 969.43, but not including the crime specified in s. 948.02 (1).

6 **SECTION 240.** 938.78 (2) (d) 1. of the statutes is amended to read:

7 938.78 (2) (d) 1. The subject of a presentence investigation under s. ~~972.15~~
8 973.004.

9 **SECTION 241.** 939.60 of the statutes is amended to read:

10 **939.60 Felony and misdemeanor defined.** ~~A crime punishable by~~
11 ~~imprisonment in the Wisconsin state prisons is a felony.~~ ^{plain} "Felony" has the meaning
12 given in s. 967.025 (11). Every other crime is a misdemeanor.

13 **SECTION 242.** 939.615 (2) (a) of the statutes is amended to read:

14 939.615 (2) (a) Except as provided in par. (b), if a person is convicted of a serious
15 sex offense or found not guilty of a serious sex offense by reason of mental disease
16 or defect, the court may, in addition to sentencing the person, placing the person on
17 probation or, if applicable, committing the person under s. ~~971.17~~ subch. III of ch.
18 975, place the person on lifetime supervision by the department if notice concerning
19 lifetime supervision was given to the person under s. 973.125 and if the court
20 determines that lifetime supervision of the person is necessary to protect the public.

21 **SECTION 243.** 939.615 (3) (d) of the statutes is amended to read:

22 939.615 (3) (d) If the person has been committed to the department of health
23 services under s. ~~971.17~~ subch. III of ch. 975 for the serious sex offense, upon the
24 termination of his or her commitment under s. ~~971.17 (5)~~ 975.60 or his or her
25 discharge from the commitment under s. ~~971.17 (6)~~ 975.61, whichever is applicable.

1 **SECTION 244.** 939.621 of the statutes is amended to read:

2 **939.621 Increased penalty for certain domestic abuse offenses.** If a
3 person commits an act of domestic abuse, as defined in s. ~~968.075~~ 969.27 (1) (a) and
4 the act constitutes the commission of a crime, the maximum term of imprisonment
5 for that crime may be increased by not more than 2 years if the crime is committed
6 during the 72 hours immediately following an arrest for a domestic abuse incident,
7 as set forth in s. ~~968.075~~ 969.27 (5). The 72-hour period applies whether or not there
8 has been a waiver by the victim under s. ~~968.075~~ 969.27 (5) (c). The victim of the
9 domestic abuse crime does not have to be the same as the victim of the domestic abuse
10 incident that resulted in the arrest. The penalty increase under this section changes
11 the status of a misdemeanor to a felony.

12 **SECTION 245.** 939.74 (1) of the statutes is amended to read:

13 **939.74 (1)** Except as provided in subs. (2) and (2d) and s. 946.88 (1), prosecution
14 for a felony must be commenced within 6 years and prosecution for a misdemeanor
15 or for adultery within 3 years after the commission thereof. Within the meaning of
16 this section, a prosecution has commenced when ~~a warrant or summons is issued~~, an
17 indictment is found, ~~or an information~~ a complaint is filed.

18 **SECTION 246.** 939.74 (3) of the statutes is amended to read:

19 **939.74 (3)** In computing the time limited by this section, the time during which
20 the actor was not publicly a resident within this state or during which a prosecution
21 against the actor for the same act was pending shall not be included. A prosecution
22 is pending when ~~a warrant or a summons has been issued~~, an indictment has been
23 found, ~~or an information~~ a complaint has been filed.

24 **SECTION 247.** 939.74 (4) of the statutes is amended to read:

1 939.74 (4) In computing the time limited by this section, the time during which
2 an alleged victim under s. 940.22 (2) is unable to seek the ~~issuance~~ filing of a
3 complaint under s. ~~968.02~~ 970.08 due to the effects of the sexual contact or due to any
4 threats, instructions or statements from the therapist shall not be included.

5 **SECTION 248.** 940.09 (1m) (a) of the statutes is amended to read:

6 940.09 (1m) (a) A person may be charged with and a prosecutor may proceed
7 upon ~~an information~~ a complaint based upon a violation of any combination of sub.
8 (1) (a), (am), or (b); any combination of sub. (1) (a), (am), or (bm); any combination of
9 sub. (1) (c), (cm), or (d); any combination of sub. (1) (c), (cm), or (e); any combination
10 of sub. (1g) (a), (am), or (b) ~~or~~ ^{strike} or any combination of sub. (1g) (c), (cm), or (d) for acts
11 arising out of the same incident or occurrence.

* **NOTE:** Please review amendment of ss. 940.09 (1m) (a) and 940.25 (1m) (a).

12 **SECTION 249.** 940.09 (1m) (b) of the statutes is amended to read:

13 940.09 (1m) (b) If a person is charged in ~~an information~~ a complaint with any
14 of the combinations of crimes referred to in par. (a), the crimes shall be joined under
15 s. ~~971.12~~ 970.13. If the person is found guilty of more than one of the crimes so
16 charged for acts arising out of the same incident or occurrence, there shall be a single
17 conviction for purposes of sentencing and for purposes of counting convictions under
18 s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6) (a) 2. and 3., under s. 343.307 (1) or under
19 s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm), (c), (cm), (d), and (e) each
20 require proof of a fact for conviction which the others do not require, and sub. (1g)
21 (a), (am), (b), (c), (cm), and (d) each require proof of a fact for conviction which the
22 others do not require.

23 **SECTION 250.** 940.225 (4) (intro.) of the statutes is amended to read:

1 940.225 (4) CONSENT. (intro.) "Consent", as used in this section, means words
2 or overt actions by a person who is competent to give informed consent indicating a
3 freely given agreement to have sexual intercourse or sexual contact. Consent is not
4 an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i). The following
5 persons are presumed incapable of consent but the presumption may be rebutted by
6 competent evidence, subject to the provisions of s. ~~972.11 (2)~~ 904.045:

7 **SECTION 251.** 940.25 (1m) (a) of the statutes is amended to read:

8 940.25 (1m) (a) A person may be charged with and a prosecutor may proceed
9 upon ~~an information~~ a complaint based upon a violation of any combination of sub.
10 (1) (a), (am), or (b); any combination of sub. (1) (a), (am), or (bm); any combination of
11 sub. (1) (c), (cm), or (d); or any combination of sub. (1) (c), (cm), or (e) for acts arising
12 out of the same incident or occurrence.

13 **SECTION 252.** 940.25 (1m) (b) of the statutes is amended to read:

14 940.25 (1m) (b) If a person is charged in ~~an information~~ a complaint with any
15 of the combinations of crimes referred to in par. (a), the crimes shall be joined under
16 s. ~~971.12~~ 970.13. If the person is found guilty of more than one of the crimes so
17 charged for acts arising out of the same incident or occurrence, there shall be a single
18 conviction for purposes of sentencing and for purposes of counting convictions under
19 s. 23.33 (13) (b) 2. and 3., under s. 30.80 (6) (a) 2. or 3., under ss. 343.30 (1q) and
20 343.305 or under s. 350.11 (3) (a) 2. and 3. Subsection (1) (a), (am), (b), (bm), (c), (cm),
21 (d), and (e) each require proof of a fact for conviction which the others do not require.

22 **SECTION 253.** 940.32 (2m) (d) of the statutes is amended to read:

23 940.32 (2m) (d) The person violates s. ~~968.31~~ 968.345 (1) or ~~968.34~~ 968.376 (1)
24 in order to facilitate the violation.

25 **SECTION 254.** 940.48 (intro.) of the statutes is amended to read:

1 **940.48 Violation of court orders.** (intro.) Whoever violates an order issued
2 under s. 940.47 or violates any condition of a bond required under s. 969.33 (4) (d)
3 may be punished as follows:

4 **SECTION 255.** 940.49 of the statutes is repealed.

5 **SECTION 256.** 941.28 (5) of the statutes is amended to read:

6 941.28 (5) Any firearm seized under this section is subject to s. 968.20 (3)
7 175.27 (1) and is presumed to be contraband.

8 **SECTION 257.** 941.29 (3) of the statutes is amended to read:

9 941.29 (3) Any firearm involved in an offense under sub. (2) is subject to s.
10 ~~968.20 (3)~~ 175.27 (1).

11 **SECTION 258.** 943.245 (3m) of the statutes is amended to read:

12 943.245 (3m) Any recovery under this section shall be reduced by the amount
13 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
14 recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act and by any amount
15 collected in connection with the act and paid to the plaintiff under a deferred
16 prosecution agreement under s. 971.41.

17 **SECTION 259.** 943.51 (3r) of the statutes is amended to read:

18 943.51 (3r) Any recovery under this section shall be reduced by the amount
19 recovered as restitution for the same act under ss. 800.093 and 973.20 or as
20 recompense under s. ~~969.13 (5) (a)~~ 969.42 for the same act.


21 **SECTION 260.** 946.42 (3) (g) of the statutes is amended to read:

22 946.42 (3) (g) Committed to the department of health services under ch. 971
23 975, (2009) stats., or ch. 975.

24 **SECTION 261.** 946.49 (2) of the statutes is amended to read:

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1 946.49 (2) A witness for whom ~~bail has been required~~ conditions of release have
2 been set under s. ~~969.01 (3)~~ 967.19 is guilty of a Class I felony for failure to appear 969.52
3 as provided.

 *****NOTE: This section reconciles -0071/P2 and -3257/P2.

4 **SECTION 262.** 946.60 (1) of the statutes is amended to read:

5 946.60 (1) Whoever intentionally destroys, alters, mutilates, conceals,
6 removes, withholds, or transfers possession of a document or other object, knowing
7 that a subpoena has been issued for the document ~~has been subpoenaed~~ or other
8 object by a court ~~or~~, by or at the request of a district attorney or the attorney general,
9 or by an attorney of record in a criminal case or a case under ch. 938 or 980, is guilty
10 of a Class I felony.

11 **SECTION 263.** 946.86 (2) of the statutes is amended to read:

12 946.86 (2) Any criminal complaint alleging violation of s. 946.83 or 946.85 shall
13 allege the extent of property subject to forfeiture under this section. At trial, the trier
14 of fact shall return a special verdict determining the extent of property, if any, to be
15 subject to forfeiture under this section. When a special verdict contains a finding of
16 property subject to a forfeiture under this section, a judgment of criminal forfeiture
17 shall be entered along with the judgment of conviction under s. ~~972.13~~ 972.28.

18 **SECTION 264.** 946.87 (2) (am) of the statutes is amended to read:

19 946.87 (2) (am) Notwithstanding par. (a), property described in par. (a) is
20 subject to forfeiture if the person who violated s. 946.83 or 946.85 has not been
21 convicted, but he or she is a defendant in a criminal proceeding, is released, pending
22 trial, ~~on bail, as defined in s. 969.001~~ conditions under ch. 969, and fails to appear
23 in court regarding the criminal proceeding. However, before making the final
24 determination of any action under this section, the court must determine that the

1 party bringing the action can prove the person committed the violation of s. 946.83
2 or 946.85.

* ****NOTE: This section reconciles -0071/P2 and -3257/P2.

3 **SECTION 265.** 948.31 (5) of the statutes is amended to read:

4 948.31 (5) The venue of an action under this section is prescribed in s. 971.19
5 970.14 (8).

6 **SECTION 266.** 948.50 (4) (c) of the statutes is amended to read:

7 948.50 (4) (c) Is committed, transferred, or admitted under ch. 975, 2009 stats.
8 or ch. 51, 971 or 975.

9 **SECTION 267.** 948.50 (5) of the statutes is amended to read:

10 948.50 (5) This section does not apply to any law enforcement officer
11 conducting a strip search under s. ~~968.255~~ 968.585.

12 **SECTION 268.** 949.165 (1) (a) of the statutes is amended to read:

13 949.165 (1) (a) "Serious crime" has the meaning designated in s. ~~969.08~~ (10)
14 969.51 (7) (b) and includes solicitation, conspiracy or attempt to commit a serious
15 crime.

16 **SECTION 269.** 949.165 (9) of the statutes is amended to read:

17 949.165 (9) INTERPLEADER. If a court determines that a person accused of a
18 serious crime is incompetent to proceed under s. ~~971.14~~ 975.34 or if the charges are
19 dismissed without prejudice, the department shall bring an action of interpleader to
20 determine the disposition of the escrow account.

21 **SECTION 270.** 950.04 (1v) (b) of the statutes is amended to read:

22 950.04 (1v) (b) To attend court proceedings in the case, subject to ss. 906.15 and
23 938.299 (1). The court may require the victim to exercise his or her right under this
24 paragraph using telephone or live audiovisual means, if available, if the victim is

1 under arrest, incarcerated, imprisoned or otherwise detained by any law
2 enforcement agency or is admitted or committed on an inpatient basis to a treatment
3 facility under ch. 51, ~~971.975~~, or 980, and the victim does not have a person specified
4 in s. 950.02 (4) (a) 3. to exercise the victim's right under this paragraph.

5 **SECTION 271.** 950.04 (1v) (d) of the statutes is amended to read:

6 950.04 (1v) (d) To request an order for, and to be given the results of, testing
7 to determine the presence of a communicable disease, as provided under ss. ~~s.~~
8 938.296 or ~~968.38~~ 968.725.

9 **SECTION 272.** 950.04 (1v) (dL) of the statutes is amended to read:

10 950.04 (1v) (dL) To not be the subject of a law enforcement officer's or district
11 attorney's order, request, or suggestion that he or she submit to a test using a lie
12 detector, as defined in s. 111.37 (1) (b), if he or she claims to have been the victim of
13 a sexual assault under s. 940.22 (2), 940.225, 948.02 (1) or (2), or 948.085, except as
14 permitted under s. ~~968.265~~ 968.595.

15 **SECTION 273.** 950.04 (1v) (e) of the statutes is amended to read:

16 950.04 (1v) (e) To be provided a waiting area under ss. 938.2965 and ~~967.10~~
17 967.23.

18 **SECTION 274.** 950.04 (1v) (em) of the statutes is amended to read:

19 950.04 (1v) (em) To have his or her interests considered by the court in
20 determining whether to exclude persons from a preliminary probable cause or
21 retention hearing concerning a juvenile, as provided under s. ~~970.03 (4)~~ 971.75.

22 **SECTION 275.** 950.04 (1v) (g) of the statutes is amended to read:

23 950.04 (1v) (g) To have reasonable attempts made to notify the victim of
24 hearings or court proceedings, as provided under ss. 302.114 (6), 938.27 (4m) and (6),
25 938.273 (2), 971.095 (3) and ~~972.14~~ 973.003 (3) (b).

302.113(9g)
(g)2.

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1 **SECTION 276.** 950.04 (1v) (L) of the statutes is amended to read:

2 950.04 (1v) (L) To have the district attorney or corporation counsel, whichever
3 is applicable, make a reasonable attempt to contact the victim concerning the
4 victim's right to make a statement, as provided under ss. 938.32 (1) (b) 2., 938.335
5 (3m) (b) and ~~972.14~~ 973.003 (3) (b).

6 **SECTION 277.** 950.04 (1v) (m) of the statutes is amended to read:

7 950.04 (1v) (m) To provide statements concerning sentencing, disposition, or
8 parole, as provided under ss. 304.06 (1) (e), 938.32 (1) (b) 1g., 938.335 (3m) (ag), and
9 ~~972.14~~ 973.003 (3) (a).

10 **SECTION 278.** 950.04 (1v) (p) of the statutes is amended to read:

11 950.04 (1v) (p) To have the person preparing a presentence investigation under
12 s. ~~972.15~~ 973.004 make a reasonable attempt to contact the victim, as provided in s.
13 ~~972.15~~ 973.004 (2m).

14 **SECTION 279.** 950.04 (1v) (qm) of the statutes is amended to read:

15 950.04 (1v) (qm) To recompense as provided under s. ~~969.13 (5) (a)~~ 969.42.

16 **SECTION 280.** 950.04 (1v) (s) of the statutes is amended to read:

17 950.04 (1v) (s) To have any stolen or other personal property expeditiously
18 returned by law enforcement agencies when no longer needed as evidence, subject
19 to s. ~~968.205~~ 968.645. If feasible, all such property, except weapons, currency,
20 contraband, property subject to evidentiary analysis, property subject to
21 preservation under s. ~~968.205~~ 968.645, and property the ownership of which is
22 disputed, shall be returned to the person within 10 days of being taken.

23 **SECTION 281.** 950.04 (1v) (um) of the statutes is amended to read:

1 950.04 (1v) (um) To have district attorneys make a reasonable attempt to notify
2 the victim under s. ~~971.17 (4m)~~ 975.62 (2) regarding conditional releases under s.
3 ~~971.17~~ 975.57 (4) or 975.59.

4 **SECTION 282.** 950.04 (1v) (x) of the statutes is amended to read:



5 950.04 (1v) (x) To have the department of health services make a reasonable
6 attempt to notify the victim under s. ~~971.17 (6m)~~ 975.62 (3) regarding termination
7 or discharge under s. ~~971.17~~ 975.60 or 975.61 and under s. 51.37 (10) regarding home
8 visits under s. 51.37 (10).

9 **SECTION 283.** 950.04 (2w) (f) of the statutes is amended to read:

10 950.04 (2w) (f) To be provided a waiting area under ss. 938.2965 and ~~967.10~~
11 967.23.

12 **SECTION 284.** 950.055 (2) (b) of the statutes is amended to read:

13 950.055 (2) (b) Advice to the judge, when appropriate and as a friend of the
14 court, regarding the child's ability to understand proceedings and questions. The
15 services may include providing assistance in determinations concerning the taking
16 of depositions by audiovisual means under s. 908.08 or ~~967.04 (7) and (8)~~ 967.22 and
17 the duty to expedite proceedings under s. ~~ss. 938.315 (2) and~~ 971.105.

 ****NOTE: This section reconciles -0012/P2 and -3257/P2. 

18 **SECTION 285.** 950.08 (2g) (c) of the statutes is amended to read:

19 950.08 (2g) (c) The address and telephone number of the intake worker,
20 corporation counsel, or district attorney whom the victim may contact to obtain
21 information concerning the rights of victims and to request notice of court
22 proceedings under ss. 938.27 (4m) and (6), 938.273 (2), 938.299 (1) (am) and 938.335
23 (3m) (b) or ss. 971.095 (3) and ~~972.14~~ 973.003 (3) (b), whichever is applicable, and to

1 request the opportunity to confer under ss. s. 938.245 (1m), 938.265, or 938.32 (1)
2 (am) or s. 971.095 (2), whichever is applicable.

3 **SECTION 286.** 950.08 (2r) (intro.) of the statutes is amended to read:

4 950.08 (2r) INFORMATION TO BE PROVIDED BY A DISTRICT ATTORNEY IN CRIMINAL
5 CASES. (intro.) As soon as practicable, but in no event later than 10 days after the
6 initial appearance under s. ~~970.01 or 24 hours before a preliminary examination~~
7 ~~under s. 970.03, whichever is earlier, subch. I of ch. 971~~ of a person charged with a
8 crime in a court of criminal jurisdiction, a district attorney shall make a reasonable
9 attempt to provide to each victim of the crime written information on all of the
10 following:

11 **SECTION 287.** 951.01 (4) of the statutes is amended to read:

12 951.01 (4) "Law enforcement officer" has the meaning assigned under s. ~~967.02~~
13 ~~(5) 967.025 (13)~~ but does not include a conservation warden appointed under s. 23.10.

14 **SECTION 288.** 961.48 (2m) (a) of the statutes is amended to read:

15 961.48 (2m) (a) Whenever a person charged with a felony offense under this
16 chapter may be subject to a conviction for a 2nd or subsequent offense, he or she is
17 not subject to an enhanced penalty under sub. (1) unless any applicable prior
18 convictions are alleged in the complaint, or indictment ~~or information~~ or in an
19 amended complaint, or indictment ~~or information~~ that is filed under par. (b) 1. A
20 person is not subject to an enhanced penalty under sub. (1) for an offense if an
21 allegation of applicable prior convictions is withdrawn by an amended complaint or
22 indictment filed under par. (b) 2.

23 **SECTION 289.** 961.48 (2m) (b) (intro.) of the statutes is amended to read:

24 961.48 (2m) (b) (intro.) Notwithstanding s. ~~971.29~~ 970.09 (1), at any time before
25 entry of a guilty or no contest plea or the commencement of a trial, a district attorney

1 may file without leave of the court an amended complaint, ~~information~~ or indictment
2 that does any of the following:

3 **SECTION 290.** 961.56 (1) of the statutes is amended to read:

4 961.56 (1) It is not necessary for the state to negate any exemption or exception
5 in this chapter in any complaint, ~~information~~, indictment, or other pleading or in
6 any trial, hearing or other proceeding under this chapter. The burden of proof of any
7 exemption or exception is upon the person claiming it.

8 **SECTION 291.** 967.01 of the statutes is amended to read:

9 **967.01 Title and effective date.** Chapters 967 to 979 may be referred to as
10 the criminal procedure code and shall be interpreted as a unit. Chapters 967 to 979
11 shall govern all criminal proceedings ~~and is effective on July 1, 1970. Chapters 967~~
12 ~~to 979 apply in all prosecutions commenced on or after that date. Prosecutions~~
13 ~~commenced prior to July 1, 1970, shall be governed by the law existing prior thereto.~~

14 **SECTION 292.** 967.02 (title) of the statutes is repealed.

15 **SECTION 293.** 967.02 (intro.) of the statutes is renumbered 967.025 (intro.).

16 **SECTION 294.** 967.02 (1) of the statutes is renumbered 967.025 (4) and amended
17 to read:

18 967.025 (4) "Clerk" means the clerk of circuit court of the county including and
19 includes the clerk's deputies.

20 **SECTION 295.** 967.02 (2) of the statutes is renumbered 967.025 (9) and amended
21 to read:

22 967.025 (9) "Department" means the department of corrections, except as
23 provided in ss. ~~971.14 and 975.001~~ s. 975.20 (1) for purposes of ch. 975.

24 **SECTION 296.** 967.02 (3) and (4) of the statutes are repealed.

25 **SECTION 297.** 967.02 (5) of the statutes is renumbered 967.025 (13).

1 **SECTION 298.** 967.02 (6) of the statutes is renumbered 967.025 (12) and
2 amended to read:

3 967.025 (12) "Judge" means judge of ~~a~~ the circuit court of record and includes
4 a court commissioner acting within the scope of authority conferred under s. 757.69.

5 **SECTION 299.** 967.02 (7) of the statutes is renumbered 967.025 (6) and amended
6 to read:

7 967.025 (6) "Court" means the circuit court unless otherwise indicated and
8 includes a court commissioner acting within the scope of authority conferred under
9 s. 757.69.

10 **SECTION 300.** 967.02 (8) of the statutes is repealed.

11 **SECTION 301.** 967.025 (title) of the statutes is created to read:

12 **967.025 (title) Definitions.**

13 **SECTION 302.** 967.025 (2) of the statutes is created to read:

14 967.025 (2) "Bond" means a promise by a person in custody to appear in court
15 as required and to comply with other conditions.

16 **SECTION 303.** 967.025 (3) of the statutes is created to read:

17 967.025 (3) "Citation" means a directive, issued by a law enforcement officer,
18 that a person appear in court or the district attorney's office.

19 **SECTION 304.** 967.025 (5) of the statutes is created to read:

20 967.025 (5) "Complaint" or "criminal complaint" means the written statement
21 of the essential facts constituting the crime charged that is issued by a district
22 attorney. "Complaint" or "criminal complaint" includes a citation endorsed by a
23 district attorney under s. 969.24 (5).

24 **SECTION 305.** 967.025 (7) of the statutes is created to read:

1 967.025 (7) "Crime" means conduct that is prohibited by state law and
2 punishable by fine or imprisonment or both. Conduct punishable only by a forfeiture
3 is not a crime.

4 **SECTION 306.** 967.025 (8) of the statutes is created to read:

5 967.025 (8) "Crime considered at sentencing" means any crime for which the
6 defendant was convicted and any read-in crime.

7 **SECTION 307.** 967.025 (10) of the statutes is created to read:

8 967.025 (10) "District attorney" includes any duly qualified deputies and
9 assistants and includes a special prosecutor under s. 978.045, a person assisting
10 under s. 978.05 (8) (b), and the attorney general in cases in which he or she is
11 authorized to investigate or prosecute.

12 **SECTION 308.** 967.025 (11) of the statutes is created to read:

13 967.025 (11) "Felony" means a crime punishable by imprisonment in the
14 Wisconsin state prisons, but does not include a crime that is punishable by
15 imprisonment in prison only as a result of the application of a penalty increase
16 provision that does not specifically provide that application of the penalty increase
17 makes the crime a felony.

18 **SECTION 309.** 967.025 (14) of the statutes is created to read:

19 967.025 (14) "Misdemeanor" means a crime other than a felony.

20 **SECTION 310.** 967.025 (15) of the statutes is created to read:

21 967.025 (15) "Motion" means an application for an order.

22 **SECTION 311.** 967.025 (16) of the statutes is created to read:

23 967.025 (16) "Read-in crime" means any crime that is uncharged or that is
24 dismissed as part of a plea agreement, that the defendant agrees to have considered

1 by the court at the time of sentencing, and that the court considers at the time of
2 sentencing the defendant for the crime for which the defendant was convicted.

3 **SECTION 312.** 967.025 (17) of the statutes is created to read:

4 967.025 (17) "Sentencing" means the imposition of a sentence, fine, or
5 probation.

6 **SECTION 313.** 967.03 of the statutes is repealed.

7 **SECTION 314.** 967.04 (title), (1), (2), (3), (4), (5) and (6) of the statutes are
8 renumbered 967.21 (title), (1), (2), (3), (4), (5) and (6), and 967.21 (title), (1) and (4)
9 (a), as renumbered, are amended to read:

10 **967.21 (title) Depositions in criminal proceedings generally. (1)**

11 CIRCUMSTANCE UNDER WHICH PERMITTED. If it appears that a prospective witness may
12 be unable to attend or prevented from attending a criminal trial or hearing, that the
13 prospective witness's testimony is material and that it is necessary to take the
14 prospective witness's deposition in order to prevent a failure of justice, the court at
15 any time after the filing of an indictment or ~~information~~ complaint may upon motion
16 and notice to the parties order that the prospective witness's testimony be taken by
17 deposition and that any designated books, papers, documents, or tangible objects,
18 not privileged, be produced at the same time and place. If a witness is committed
19 pursuant to s. ~~969.01 (3)~~ ~~967.19~~, the court shall direct that the witness's deposition
20 be taken upon notice to the parties. ~~After the deposition has been subscribed, the~~
21 ~~court shall discharge the witness.~~

22 **(4) (a)** If the state or a witness procures ~~such~~ an order under sub. (1), the notice
23 shall inform the defendant that the defendant is required to personally attend at the
24 taking of the deposition and that the defendant's failure so to do is a waiver of the
25 defendant's right to face the witness whose deposition is to be taken. Failure to

1 attend shall constitute a waiver unless the defendant was physically unable to
2 attend.

3 **SECTION 315.** 967.04 (7) (a) of the statutes is renumbered 967.22 (1) and
4 amended to read:

5 967.22 (1) CIRCUMSTANCE UNDER WHICH PERMITTED. In any criminal prosecution
6 or any proceeding under ch. 48 or 938, any party may move the court to order that
7 a deposition of a child who has been or is likely to be called as a witness be taken by
8 audiovisual means. Upon notice and hearing, the court may issue an order for such
9 a deposition if the trial or hearing in which the child may be called will commence
10 before one of the following:

11 (a) ~~Prior to the~~ The child's 12th birthday; ~~or,~~

12 (b) ~~Prior to the~~ The child's 16th birthday and if the court finds under sub. (2)
13 that the interests of justice warrant that the child's testimony be prerecorded for use
14 at the trial or hearing under par. (b).

15 **SECTION 316.** 967.04 (7) (b) of the statutes is renumbered 967.22 (2), and 967.22
16 (2) (intro.), (a), (c), (f), (g) and (h), as renumbered, are amended to read:

17 967.22 (2) DETERMINING INTERESTS OF JUSTICE. Among the factors ~~which~~ that the
18 court may consider in determining the interests of justice are any of the following:

19 (a) The child's chronological age, level of development and capacity to
20 comprehend the significance of the events about which the child will testify and to
21 verbalize about them.

22 (c) Whether the events about which the child will testify constituted criminal
23 or antisocial conduct against the child or a person with whom the child had a close
24 emotional relationship and, if the conduct constituted a battery or a sexual assault,

1 its duration and the extent of physical or emotional injury ~~thereby~~ caused by the
2 battery or sexual assault.

3 (f) The child's behavior at or reaction to previous interviews concerning the
4 events ~~involved~~ about which the child will testify.

5 (g) Whether the child blames himself or herself for the events ~~involved~~ about
6 which the child will testify or has ever been told by any person not to disclose them;
7 whether the child's prior reports to associates or authorities of the events have been
8 disbelieved or not acted upon; and the child's ~~subjective~~ belief regarding what
9 consequences to himself or herself, or persons with whom the child has a close
10 emotional relationship, will ensue from providing testimony.

11 (h) Whether the child manifests or has manifested symptoms associated with
12 posttraumatic stress disorder or other mental disorders, including, ~~without~~
13 ~~limitation,~~ reexperiencing the events, fear of their repetition, withdrawal,
14 regression, guilt, anxiety, stress, nightmares, enuresis, lack of self-esteem, mood
15 changes, compulsive behaviors, school problems, delinquent or antisocial behavior,
16 phobias, or changes in interpersonal relationships.

17 **SECTION 317.** 967.04 (8) of the statutes is renumbered 967.22 (3), and 967.22
18 (3) (a) and (b) (intro.) and 4., as renumbered, are amended to read:

19 967.22 (3) PROCEDURES. (a) If the court orders a deposition under sub. (7) (1),
20 the judge shall preside at the taking of the deposition and enforce compliance with
21 the applicable provisions of ss. 885.44 to 885.47. Notwithstanding s. 885.44 (5),
22 counsel may make objections and the judge shall make rulings thereon as at trial.
23 The clerk ~~of court~~ shall keep the certified original recording of a deposition taken
24 under sub. (7) (1) in a secure place. No person may inspect or copy the deposition
25 except by order of the court upon a showing that inspection or copying is required for

1 editing under s. 885.44 (12) or for the investigation, prosecution, or defense of the
2 action in which it was authorized or the provision of services to the child.

3 (b) (intro.) If the court orders that a deposition be taken by audiovisual means
4 under sub. (7) (1), the court shall do all of the following:

5 4. ~~Determine that the child understands that it is wrong to tell a lie and will~~
6 ~~testify truthfully if~~ If the child's developmental level or verbal skills are such that
7 administration of an oath or affirmation in the usual form would be inappropriate,
8 determine that the child understands that it is wrong to tell a lie and will testify
9 truthfully.

10 **SECTION 318.** 967.04 (9) of the statutes is renumbered 967.22 (4) and amended
11 to read:

12 967.22 (4) USE AT TRIAL, HEARING, OR OTHER PROCEEDING. In any criminal
13 prosecution or juvenile fact-finding hearing under s. 48.31 or 938.31, the court may
14 admit into evidence a recorded deposition taken under subs. (7) and (8) this section
15 without an additional hearing under s. 908.08. In any proceeding under s. 302.113
16 (9) (am), 302.114 (9) (am), 304.06 (3), or 973.10 (2), the hearing examiner may order
17 that a deposition be taken by audiovisual means and preside at the taking of the
18 deposition using the procedure provided in subs. (7) and (8) this section and may
19 admit the recorded deposition into evidence without an additional hearing under s.
20 908.08.

21 **SECTION 319.** 967.04 (10) of the statutes is renumbered 967.22 (5) and amended
22 to read:

23 967.22 (5) SUBSEQUENT TESTIMONY. If a court or hearing examiner admits a
24 recorded deposition into evidence under sub. (9) (4), the child may not be called as
25 a witness at the proceeding in which it was admitted unless the court or hearing

1 examiner so orders upon a showing that additional testimony by the child is required
2 in the interest of fairness for reasons neither known nor with reasonable diligence
3 discoverable at the time of the deposition by the party seeking to call the child. The
4 testimony of a child who is required to testify under this subsection may be taken in
5 accordance with s. ~~972.11 (2m)~~ 972.20, if applicable.



****NOTE: This section reconciles -3275/P2 and -0068/P2.

6 **SECTION 320.** 967.05 (title) of the statutes is renumbered 970.06 (title) and
7 amended to read:

8 **970.06 (title) Methods of commencing prosecution.**

9 **SECTION 321.** 967.05 (1) (intro.) and (a) of the statutes are consolidated,
10 renumbered 970.06 (1) and amended to read:

11 970.06 (1) A prosecution ~~may be~~ is commenced by the filing of: ~~(a) A~~ a
12 complaint;

13 **SECTION 322.** 967.05 (1) (b) and (c) of the statutes are repealed.

14 **SECTION 323.** 967.05 (2) and (3) of the statutes are repealed.

15 **SECTION 324.** 967.055 of the statutes is renumbered 970.25, and 970.25 (2) (a)
16 and (b), as renumbered, are amended to read:

17 970.25 (2) (a) Notwithstanding s. ~~971.29~~ 970.09, if the prosecutor seeks to
18 dismiss or amend a charge under s. 346.63 (1) or (5) or a local ordinance in conformity
19 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
20 use of a vehicle or an improper refusal under s. 343.305, the prosecutor shall apply
21 to the court. The application shall state the reasons for the proposed amendment or
22 dismissal. The court may approve the application only if the court finds that the
23 proposed amendment or dismissal is consistent with the public's interest in deterring
24 the operation of motor vehicles by persons who are under the influence of an

1 intoxicant, a controlled substance, a controlled substance analog or any combination
2 of an intoxicant, controlled substance and controlled substance analog, under the
3 influence of any other drug to a degree which renders him or her incapable of safely
4 driving, or under the combined influence of an intoxicant and any other drug to a
5 degree which renders him or her incapable of safely driving, in deterring the
6 operation of motor vehicles by persons with a detectable amount of a restricted
7 controlled substance in his or her blood, or in deterring the operation of commercial
8 motor vehicles by persons with an alcohol concentration of 0.04 or more. The court
9 may not approve an application to amend the vehicle classification from a
10 commercial motor vehicle to a noncommercial motor vehicle unless there is evidence
11 in the record that the motor vehicle being operated by the defendant at the time of
12 his or her arrest was not a commercial motor vehicle.

13 (b) Notwithstanding s. ~~971.29~~ 970.09, if the prosecutor seeks to dismiss or
14 amend a charge under s. 30.681 (1) or a local ordinance in conformity therewith, a
15 charge under s. 30.681 (2), a charge under s. 30.684 (5) or a local ordinance in
16 conformity therewith or a charge under s. 940.09 or 940.25 if the offense involved the
17 use of a motorboat, except a sailboat operating under sail alone, the prosecutor shall
18 apply to the court. The application shall state the reasons for the proposed
19 amendment or dismissal. The court may approve the application only if the court
20 finds that the proposed amendment or dismissal is consistent with the public's
21 interest in deterring the operation of motorboats by persons who are under the
22 influence of an intoxicant, a controlled substance, a controlled substance analog or
23 any combination of an intoxicant, controlled substance and controlled substance
24 analog, under the influence of any other drug to a degree which renders him or her
25 incapable of operating a motorboat safely, or under the combined influence of an

1 intoxicant and any other drug to a degree which renders him or her incapable of
2 operating a motorboat safely.

3 **SECTION 325.** 967.057 of the statutes is renumbered 970.15 (6).

4 **SECTION 326.** 967.06 (title) of the statutes is repealed.

5 **SECTION 327.** 967.06 (1) and (2) (a) of the statutes are consolidated,
6 renumbered 971.013 and amended to read:

7 **971.013 Determination of indigency; appointment of counsel.** As soon
8 as practicable after a person has been detained or arrested in connection with any
9 offense that is punishable by incarceration, ~~or in connection with any civil~~
10 ~~commitment proceeding~~, or in any other situation in which a person is entitled to
11 counsel regardless of ability to pay under the constitution or laws of the United
12 States or this state, the person shall be informed of his or her right to counsel. ~~(2)~~
13 ~~(a) Except as provided in par. (b), a~~ A person entitled to counsel under sub. (1) who
14 indicates at any time that he or she wants to be represented by a lawyer, and who
15 claims that he or she is not able to pay in full for a lawyer's services, shall
16 immediately be permitted to contact the authority for indigency determinations
17 specified under s. 977.07 (1). The authority for indigency determination in each
18 county shall have daily telephone access to the county jail in order to identify all
19 persons who are being held in the jail. The jail personnel shall provide by phone
20 information requested by the authority.

21 **SECTION 328.** 967.06 (2) (b) of the statutes is repealed.

22 **SECTION 329.** 967.06 (3) of the statutes is renumbered 977.072.

23 **SECTION 330.** 967.07 of the statutes is repealed.

24 **SECTION 331.** 967.08 (title) of the statutes is renumbered 967.14 (title).

1 **SECTION 332.** 967.08 (1) of the statutes is renumbered 967.14 (1) (intro.) and
2 amended to read:

3 967.14 (1) PROCEEDINGS COVERED. (intro.) Unless good cause to the contrary is
4 shown, the court may permit any of the following proceedings referred to in this
5 section ~~may~~ to be conducted by telephone ~~or live audiovisual means, if available.~~ If
6 the proceeding is required to be reported under SCR 71.01 (2), the on the request of
7 either party:

8 (5) PROCEDURES. A proceeding conducted under this section shall be reported
9 recorded by a court reporter ~~who is in simultaneous voice communication with all~~
10 ~~parties to the proceeding.~~ Regardless of the physical location of any party to the call,
11 ~~any plea, waiver, stipulation, motion, objection, decision, order or other action taken~~
12 ~~by the court or any party shall have the same effect as if made in open court.~~ With
13 the exceptions of scheduling conferences, pretrial conferences, and, during hours the
14 court is not in session, setting, review, modification of bail and other conditions of
15 release ~~under ch. 969, the~~ if it is required to be reported under SCR 71.01 (2). The
16 proceeding shall be conducted in a courtroom or other place reasonably accessible to
17 the public, with the exception of scheduling conferences, pretrial conferences, and,
18 when the court is not in session, the setting, review, or modification of the conditions
19 of release. Simultaneous access to the proceeding shall be provided to persons
20 entitled to attend by means of a loudspeaker or, upon request to the court, by making
21 a person party to the telephone call without charge.

22 **SECTION 333.** 967.08 (2) (intro.) of the statutes is renumbered 967.14 (3) and
23 amended to read:

24 967.14 (3) REQUESTS AND OBJECTIONS. ~~The court may permit the following~~
25 ~~proceedings to be conducted under sub. (1) on the request of either party. The request~~

1 ~~and the opposing party's showing of good cause for not conducting the proceeding A~~
2 ~~party may make a request under sub. (1) may be made by telephone. The opposing~~
3 ~~party may show good cause by telephone for not conducting the proceeding under this~~
4 ~~section.~~



5 **SECTION 334.** 967.08 (2) (a) to (c) of the statutes are renumbered 967.14 (1) (a)
6 to (c) and amended to read:

7 967.14 (1) (a) Initial appearance under s. ~~970.01~~ subch. I of ch. 971 or pretrial
8 conference.

9 (b) Waiver of ~~preliminary examination under s. 970.03,~~ a competency hearing
10 under s. ~~971.14 (4) or 975.34.~~

11 (e) Waiver of a jury trial under s. 972.02 972.005 (1).

12 (c) Motions for extension of time ~~under ss. 970.03 (2), 971.10 or other statutes.~~

13  ******NOTE:** This section reconciles -3257/P2, -0012, -0070, -0068, -4635. 

14 **SECTION 335.** 967.08 (2) (d) of the statutes is repealed.

15 **SECTION 336.** 967.08 (3) (intro.) of the statutes is renumbered 967.14 (1) (f)
16 (intro.) and amended to read:

17 967.14 (1) (f) (intro.) Non-evidentiary proceedings on the following matters
18 ~~may be conducted under sub. (1) on request of either party. The request and the~~
19 ~~opposing party's showing of good cause for not conducting the proceeding under sub.~~
20 ~~(1) may be made by telephone.;~~

21 **SECTION 337.** 967.08 (3) (a) to (f) of the statutes are renumbered 967.14 (1) (f)
22 1. to 6. and amended to read:

23 967.14 (1) (f) 1. Setting, review, and modification of ~~bail and other conditions~~
of release under ch. 969.

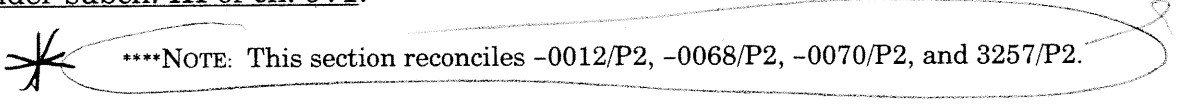
1 2. Motions for severance under s. ~~971.12 (3)~~ 971.68 (2) or ~~consolidation joint~~
2 ~~trial of charges~~ under s. ~~971.12 (4)~~ 971.67.

3 3. Motions for ~~testing of physical evidence under s. 971.23 (5)~~ discovery or for
4 protective orders under s. ~~971.23 (6)~~ subch. IV of ch. 971.

5 4. Motions ~~under s. 971.31~~ directed to the sufficiency of the complaint or the
6 ~~affidavits supporting basis for~~ the issuance of a warrant for arrest or search.

7 5. Motions in limine, ~~including those under s. 972.11 (2) (b)~~.

8 6. Motions ~~to postpone, including those under s. 971.29~~ related to scheduling
9 under subch. III of ch. 971.

 *****NOTE:** This section reconciles -0012/P2, -0068/P2, -0070/P2, and 3257/P2.

10 **SECTION 338.** 967.09 of the statutes is renumbered 967.14 (6), and 967.14 (6)
11 (title), as renumbered, is amended to read:

12 967.14 (6) (title) ~~INTERPRETERS MAY SERVE BY TELEPHONE OR VIDEO~~.

13 **SECTION 339.** 967.10 of the statutes is renumbered 967.23.

14 **SECTION 340.** 967.11 of the statutes is renumbered 970.16.

15 **SECTION 341.** 967.12 (3) of the statutes is created to read:

16 967.12 (3) If trial is waived, when the court accepts the defendant's plea of
17 guilty or no contest.

18 **SECTION 342.** 967.13 (1) (a) and (b) of the statutes are created to read:

19 967.13 (1) (a) The initial appearance.

20 (b) Any proceeding at which a plea is entered or withdrawn.

21 **SECTION 343.** 967.13 (1) (i) of the statutes is created to read:

22 967.13 (1) (i) Sentencing.

23 **SECTION 344.** 967.14 (1) (d) of the statutes is created to read:

24 967.14 (1) (d) Entry of a plea other than one that results in a finding of guilt.

1 **SECTION 345.** 967.14 (2) of the statutes is created to read:

2 967.14 (2) **CRITERIA FOR GOOD CAUSE.** In determining good cause under sub. (1),
3 the court may consider the criteria under s. 885.56 (1).

4 **SECTION 346.** 967.14 (4) of the statutes is created to read:

5 967.14 (4) **PLEAS OF GUILTY OR NO CONTEST AND SENTENCING.** If the district
6 attorney, the defendant, and defense counsel consent, the court may permit any of
7 the following proceedings to be conducted by telephone:

8 (a) A proceeding to accept a plea of guilty or no contest.

9 (b) A sentencing proceeding.

10 **SECTION 347.** 967.20 of the statutes is created to read:

11 **967.20 Bench warrant for witness on failure to appear.** (1) When a
12 witness fails to appear before the court as required or violates a condition of the
13 witness's release, the court may issue a bench warrant for the witness's arrest. The
14 bench warrant shall direct that the witness be brought before the court without
15 unreasonable delay. The court shall state on the record at the time of issuance of the
16 bench warrant its reason for issuing the bench warrant.

17 (2) A court issuing a bench warrant under sub. (1) may specify monetary
18 conditions of release on the warrant.

19 (3) If the court does not specify monetary conditions of release on a bench
20 warrant under sub. (1), a witness arrested pursuant to the bench warrant may not
21 be released before appearing in court.

22 **SECTION 348.** 967.21 (2) (title) of the statutes is created to read:

23 967.21 (2) (title) **PROCEDURE.**

24 **SECTION 349.** 967.21 (3) (title) of the statutes is created to read:

25 967.21 (3) (title) **APPLICABILITY OF CIVIL RULES.**

1 **SECTION 350.** 967.21 (4) (title) of the statutes is created to read:

2 967.21 (4) (title) ATTENDANCE BY DEFENDANT.

3 **SECTION 351.** 967.21 (5) (title) of the statutes is created to read:

4 967.21 (5) (title) USE AT TRIAL OR HEARING.

5 **SECTION 352.** 967.21 (6) (title) of the statutes is created to read:

6 967.21 (6) (title) OBJECTIONS.

7 **SECTION 353.** 967.22 (title) of the statutes is created to read:

8 **967.22 (title) Deposition of a child by audiovisual means.**

9 **SECTION 354.** 968.01 (title) of the statutes is renumbered 970.07 (title) and
10 amended to read:

11 **970.07 (title) Complaint; contents and oath.**

12 **SECTION 355.** 968.01 (1) (intro.), (a) and (b) of the statutes are renumbered
13 970.07 (1) (intro.), (a) and (b).

14 **SECTION 356.** 968.01 (1) (c) of the statutes is repealed.

15 **SECTION 357.** 968.01 (2) of the statutes is renumbered 970.07 (2) and amended
16 to read:

17 970.07 (2) The complaint is ~~a written statement of the~~ shall specify the time
18 and place each crime charged was committed, the section of the statutes alleged to
19 have been violated, and the maximum penalty prescribed for each crime charged.
20 The complaint shall include a statement of the essential facts constituting the
21 offense crime charged. A person may make a complaint on, signed by the person on
22 whose knowledge, information, and belief the statement is based.

23 (3) Except as provided in sub. (3) (4) or (5), the complaint shall be made upon
24 oath before a district attorney or judge as provided in this chapter.

1 **SECTION 358.** 968.01 (3) of the statutes is renumbered 970.07 (4) and amended
2 to read:

3 970.07 (4) A person may comply with sub. (2) if he or she makes the oath by
4 telephone contact with the district attorney ~~or judge~~, signs the statement, and
5 immediately thereafter transmits a ~~copy~~ facsimile of the signed statement to the
6 district attorney ~~or judge using a facsimile machine~~. The person shall also transmit
7 the original signed statement, ~~without using a facsimile machine~~, to the district
8 attorney ~~or judge, who shall file it with the clerk~~. If the complaint is filed, both the
9 original and the ~~copy~~ facsimile shall be filed under s. ~~968.02 (2)~~ 970.08.

10 **SECTION 359.** 968.01 (4) of the statutes is renumbered 970.07 (5).

11 **SECTION 360.** Subchapter I (title) of chapter 968 [precedes 968.015] of the
12 statutes is created to read:

13 **CHAPTER 968**

14 SUBCHAPTER I

15 INQUESTS

16 **SECTION 361.** 968.02 (title) and (1) of the statutes are renumbered 970.08 (title)
17 and (1) and amended to read:

18 **970.08** (title) ~~Issuance and filing of complaints~~ Filing the complaint.
19 (1) ~~Except as otherwise provided in this section, a complaint charging a person with~~
20 ~~an offense shall be issued only by a~~ Only the district attorney of the county where
21 ~~the a crime is alleged to have been committed. A complaint is issued when it is~~
22 ~~approved for filing by the district attorney. The approval shall be in the form of a~~
23 ~~written endorsement on the complaint~~ may be tried under s. 970.14 may file a
24 complaint.

*
****NOTE: This section reconciles -0070/P2 and -3257/P2.

SECTION 362. 968.02 (2) of the statutes is repealed.

SECTION 363. 968.02 (3) of the statutes is repealed.

SECTION 364. 968.02 (4) of the statutes is repealed.

SECTION 365. 968.025 (title) of the statutes is created to read:

968.025 (title) Inquest procedures.

SECTION 366. 968.025 (3) of the statutes is created to read:

968.025 (3) WHERE CONDUCTED. An inquest may be held in any county in this state in which venue would lie for the trial of any offense that could be charged as the result of or involving the death.

SECTION 367. 968.025 (4) (title) of the statutes is created to read:

968.025 (4) (title) JURY SELECTION.

SECTION 368. 968.025 (4) (e) of the statutes is created to read:

968.025 (4) (e) The court shall select the inquest jury by lot once a panel of at least 12 potential jurors has been qualified. If the inquest is likely to be protracted, the judge or court commissioner may select also one or more alternate jurors by lot. If more than 6 jurors remain after all of the evidence is presented, the court shall determine by lot which jurors will not participate in deliberations and discharge them.

SECTION 369. 968.03 (title) and (3) of the statutes are repealed.

SECTION 370. 968.03 (1) of the statutes is repealed.

SECTION 371. 968.03 (2) of the statutes is renumbered 969.20 (8) and amended to read:

969.20 (8) WITHDRAWAL OF WARRANT OR SUMMONS AND COMPLAINT. An unserved warrant, or summons and complaint in a case in which an initial appearance has not been held shall, at the request of the district attorney, be returned to the judge who

1 ~~may dismiss the action. Such court, and the court shall dismiss the action. The~~
2 ~~request shall be in writing, it and shall state the reasons therefor in writing and shall~~
3 ~~be filed with the clerk for which it is made.~~

4 **SECTION 372.** 968.035 (title) of the statutes is created to read:

5 **968.035 (title) Witnesses.**

6 **SECTION 373.** 968.04 (title) of the statutes is renumbered 969.20 (title) and
7 amended to read:

8 **969.20 (title) Warrant Issuance of arrest warrant or summons on**
9 **complaint.**

10 **SECTION 374.** 968.04 (1) (intro.) of the statutes is renumbered 969.20 (1) and
11 amended to read:

12 969.20 (1) WARRANTS IN GENERAL. ~~If it appears from the complaint, or from an~~
13 ~~affidavit or affidavits filed with the complaint or after an examination under oath of~~
14 ~~the complainant or witnesses, when the a judge determines that this is necessary,~~
15 ~~that there is probable cause to believe that an offense has been committed and that~~
16 ~~the accused has committed it, the judge shall issue a warrant for the arrest of the~~
17 ~~defendant accused or a summons in lieu thereof. The probable cause determination~~
18 ~~may be based on a criminal complaint, an affidavit filed with the criminal complaint,~~
19 ~~or if the judge determines it is necessary, after an examination under oath of the~~
20 ~~complainant or witness. The warrant or summons shall be delivered forthwith to a~~
21 ~~law enforcement officer for service. If the judge does not find probable cause to~~
22 ~~believe that an offense has been committed or that the accused has committed it, the~~
23 ~~judge shall record that finding on the complaint, file the complaint with the clerk,~~
24 ~~and dismiss the action without prejudice.~~

25 **SECTION 375.** 968.04 (1) (a) of the statutes is repealed.

1 **SECTION 376.** 968.04 (1) (b) of the statutes is renumbered 969.20 (4) and
2 amended to read:

3 969.20 (4) ISSUANCE BY JUDGE FROM ANOTHER COUNTY. ~~A warrant or summons~~
4 ~~may be issued by a judge in another county~~ may issue a warrant or summons when
5 there is no available judge of the county in which the complaint is issued. The
6 warrant ~~or summons~~ shall be returnable ~~before a judge to a court~~ in the county in
7 which the ~~offense alleged in the complaint was committed, and the summons shall~~
8 ~~be returnable before the circuit court of the county in which the offense alleged in the~~
9 ~~complaint was committed~~ issued.

10 **SECTION 377.** 968.04 (1) (c) of the statutes is renumbered 969.20 (5) and
11 amended to read:

12 969.20 (5) GEOGRAPHICAL LIMITS. A judge issuing an arrest warrant may specify
13 geographical limits for its enforcement ~~of a warrant.~~

14 **SECTION 378.** 968.04 (1) (d) of the statutes is renumbered 969.20 (3) and
15 amended to read:

16 969.20 (3) EXAMINATION BY TELEPHONE. ~~An~~ A judge may permit an examination
17 of the complainant or witness under sub. (1) ~~may or (2) to~~ take place by telephone on
18 request of the person seeking the warrant or summons unless good cause to the
19 contrary appears. The judge shall place each complainant or witness under oath and
20 arrange for all sworn testimony to be recorded, either by a stenographic reporter or
21 by means of a voice recording device. The judge shall have the record transcribed.
22 The transcript, certified as accurate by the judge or reporter, as appropriate, shall
23 be filed with the court. If the testimony was recorded by means of a voice recording
24 device, the judge shall also file the original recording with the court.

25 **SECTION 379.** 968.04 (2) (title) of the statutes is repealed.

1 **SECTION 380.** 968.04 (2) (a) of the statutes is renumbered 969.20 (7) (a) and
2 amended to read:

3 969.20 (7) (a) ~~In~~ After issuing a complaint in any case, the district attorney,
4 ~~after the issuance of a complaint,~~ may issue a summons in lieu of requesting the
5 issuance of a warrant. ~~The complaint~~ district attorney shall then ~~be filed~~ file the
6 complaint with the clerk.

7 **SECTION 381.** 968.04 (2) (b) of the statutes is renumbered 969.20 (7) (b).

8 **SECTION 382.** 968.04 (2) (c) of the statutes is repealed.

9 **SECTION 383.** 968.04 (3) (title) of the statutes is repealed.

10 **SECTION 384.** 968.04 (3) (a) (intro.) of the statutes is renumbered 969.21 (1)
11 (intro.) and amended to read:

12 969.21 (1) ~~WARRANT~~ MANDATORY PROVISIONS. (intro.) ~~The~~ An arrest warrant
13 shall meet all of the following requirements:

14 **SECTION 385.** 968.04 (3) (a) 1. to 6. of the statutes are renumbered 969.21 (1)
15 (a) to (f) and amended to read:

16 969.21 (1) (a) ~~Be~~ The warrant shall be in writing and signed by the judge.

17 (b) ~~State~~ The warrant shall state the name of the crime the defendant allegedly
18 committed and the number of the statutory section ~~charged and number of the~~
19 ~~section alleged to have been~~ that the defendant allegedly violated.

20 (c) ~~Have~~ The warrant shall have attached to it a copy of the complaint.

21 (d) ~~State~~ The warrant shall state the name of the person to be arrested, if
22 known, or if not known, designate the person to be arrested by any description by
23 which the person to be arrested can be identified with reasonable certainty.

24 (e) ~~State~~ The warrant shall state the date when it was issued ~~and,~~ the name
25 of the judge who issued it ~~together with,~~ and the title of the judge's office.

(f) ~~Command~~ The warrant shall command that the person against whom the complaint was made alleged to have committed the crime in par. (b) be arrested and, except as provided in s. 969.20 (4), be brought before the judge issuing the warrant, or, if the judge is absent or unable to act, before some other judge in the same county.

SECTION 386. 968.04 (3) (a) 7. of the statutes is renumbered 969.26 (1) and amended to read:

969.26 (1) ARREST WARRANT. ~~The~~ An arrest warrant shall be in substantially the following form:

STATE OF WISCONSIN,

.... County

State of Wisconsin

vs.

.... (Defendant(s))

THE STATE OF WISCONSIN TO ANY LAW ENFORCEMENT OFFICER:

A complaint or affidavit, copy of which is attached, ~~having~~ has been filed with me or testimony has been presented before me accusing the defendant(s) of committing the crime of contrary to sec., Stats., and I ~~having~~ have found that there is probable cause ~~exists that the crime was committed by~~ to believe the defendant(s) committed that crime.

You are, therefore, commanded to arrest the defendant(s) and bring before me, ~~or, if I am not available, before some other~~ a judge of this county.

Dated, (year)

....(Signature)

....(Title)

SECTION 387. 968.04 (3) (a) 8. of the statutes is repealed.

1 **SECTION 388.** 968.04 (3) (b) (title) of the statutes is renumbered 969.22 (title).

2 **SECTION 389.** 968.04 (3) (b) 1. of the statutes is renumbered 969.22 (1) and
3 amended to read:

4 969.22 (1) MANDATORY PROVISIONS. The summons shall command the defendant
5 to appear before a court at a certain time and place and shall be in substantially the
6 form set forth in ~~subd. 3.~~ s. 969.26 (2). The complaint and summons may be on the
7 same form. If they are, the summons shall be beneath the complaint. If separate
8 forms are used, a copy of the complaint shall be attached to the summons.

9 **SECTION 390.** 968.04 (3) (b) 2. of the statutes is renumbered 969.22 (2) and
10 amended to read:

11 969.22 (2) SERVICE. A summons may be served anywhere in the state and it
12 shall be served by delivering a copy to the defendant personally ~~or,~~ by leaving a copy
13 at the defendant's his or her usual place of abode with a person of discretion residing
14 ~~therein there,~~ or by mailing a copy to the defendant's last-known address. ~~It shall~~
15 ~~be served by a law enforcement officer.~~

16 **SECTION 391.** 968.04 (3) (b) 3. (intro.) of the statutes is renumbered 969.26 (2)
17 (intro.) and amended to read:

18 969.26 (2) SUMMONS. (intro.) The A summons shall be in substantially the
19 following form:

20 **SECTION 392.** 968.04 (3) (b) 3. a. of the statutes is repealed.

21 **SECTION 393.** 968.04 (3) (b) 3. b. (intro.) of the statutes is repealed.

22 **SECTION 394.** 968.04 (3) (b) 3. b. (form) of the statutes is renumbered 969.26
23 (2) (form) and amended to read:

24 969.26 (2) (form)

25 STATE OF WISCONSIN,

.... County

State of Wisconsin

vs.

.... (Defendant)

THE STATE OF WISCONSIN TO SAID DEFENDANT:

~~A complaint, copy of which is attached, having been made before me accusing the defendant of committing the crime of contrary to sec., Stats.~~

You,, ~~are, therefore, summoned to must appear before Branch of the court Circuit Court of County at the courthouse in the City of to answer said complaint, on, (year), at o'clock in the noon, and in case of your failure to appear, (date),, at a.m./p.m. If you do not appear, a warrant for your arrest may be issued.~~

You have been charged with committing the crime of in violation of section of the Wisconsin Statutes. A copy of the complaint charging you with that crime is attached.

Dated, (year)

.... (Signature)

.... District Attorney (Title)

SECTION 395. 968.04 (3) (b) 4. of the statutes is repealed.

SECTION 396. 968.04 (4) of the statutes is renumbered 969.21 (2), and 969.21 (2) (a) to (d), as renumbered, are amended to read:

969.21 (2) (a) The Unless otherwise specified under s. 969.20 (5), an arrest warrant issued under this section shall be directed to all law enforcement officers of the state. ~~A warrant and~~ may be served anywhere in the state.

1 (b) A warrant is served by arresting the defendant and informing the defendant
2 as soon as practicable of the nature of the crime with which ~~the defendant~~ he or she
3 is charged.

4 (c) An arrest may be made by a law enforcement officer without a warrant in
5 the law enforcement officer's possession when the law enforcement officer ~~has~~
6 knowledge reasonably believes that a warrant has been issued. In such case, the
7 officer shall inform the defendant as soon as practicable of the nature of the crime
8 with which the defendant is charged.

9 (d) The law enforcement officer arresting a defendant shall ~~endorse record~~
10 upon the warrant the time and place of the arrest ~~and the law enforcement officer's~~
11 ~~fees and mileage therefor.~~

12 **SECTION 397.** 968.05 of the statutes is renumbered 969.23, and 969.23 (1) and
13 (2), as renumbered, are amended to read:

14 969.23 (1) When a corporation or limited liability company is charged with the
15 ~~commission of~~ committing a criminal offense, the judge or district attorney shall
16 issue a summons setting forth the nature of the offense and commanding the
17 corporation or limited liability company to appear before a court at a specific time
18 and place. The corporation or limited liability company shall appear by a corporate
19 officer or an authorized agent other than defense counsel.

20 (2) The summons for the appearance of a corporation or limited liability
21 company may be served ~~as provided for service of a summons in the same way that~~
22 a summons is served upon a corporation or limited liability company in a civil action
23 under s. 801.11 (5). The summons ~~shall be returnable not less than~~ may not be
24 returnable until at least 10 days after service.

25 **SECTION 398.** 968.06 of the statutes is repealed.

SECTION 399. 968.07 of the statutes is renumbered 969.16, and 969.16 (1) to (3), as renumbered, are amended to read:

969.16 (1) ~~A~~ Except as provided in sub. (3), a law enforcement officer may arrest a person when:

(a) The law enforcement officer has a warrant commanding that such person be arrested; ~~or,~~

(b) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~ that a warrant for the person's arrest has been issued in this state; ~~or,~~

(c) The law enforcement officer reasonably believes, ~~on reasonable grounds,~~ that a felony warrant for the person's arrest has been issued in another state; ~~or,~~

(d) ~~There are reasonable grounds~~ The law enforcement officer has probable cause to believe that the person is committing or has committed a crime.

(1m) Notwithstanding sub. (1), a law enforcement officer shall arrest a person when required to do so under s. 813.12 (7), 813.122 (10), 813.125 (6), 813.128 (1) (b), or ~~968.075 (2) (a)~~ 969.27 (2) (a) or (5) (e).

(2) A law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as ~~that of~~ the law enforcement officer.

(3) ~~If the alleged violator under~~ No law enforcement officer may arrest a person alleged to have violated s. 948.55 (2) or 948.60 (2) (c) until at least 7 days after the date of the shooting, if the person is or was the parent or guardian of a child who is injured or dies as a result of an accidental the shooting, no law enforcement officer may arrest the alleged violator until at least 7 days after the date of the shooting.

SECTION 400. 968.073 ~~(2)~~ of the statutes is/amended to read:

renumbered 969.165 and
969.165 (2) as renumbered is

969.165
968.073 (2) It is the policy of this state to make an audio or audio and visual recording of a custodial interrogation of a person suspected of committing a felony unless a condition under s. 972.115 (2) 972.18 (3) (a) 1. to 6. applies or good cause is shown for not making an audio or audio and visual recording of the interrogation.

567
SECTION 401. 968.075 (title) of the statutes is renumbered 969.27 (title).

SECTION 402. 968.075 (1) of the statutes is renumbered 969.27 (1). 567

SECTION 403. 968.075 (2) (a) of the statutes is renumbered 969.27 (2) (a), and 969.27 (2) (a) (intro.), as renumbered, is amended to read:

969.27 (2) (a) (intro.) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1) and except as provided in pars. (am) and (b), a law enforcement officer shall arrest and take a person into custody if:

SECTION 404. 968.075 (2) (am) of the statutes is renumbered 969.27 (2) (am) and amended to read:

969.27 (2) (am) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), unless the person's arrest is required under s. 813.12 (7), 813.122 (10), 813.125 (6), or 813.128 (1) (b) or sub. (5) (e), if a law enforcement officer identifies the predominant aggressor, it is generally not appropriate for a law enforcement officer to arrest anyone under par. (a) other than the predominant aggressor.

SECTION 405. 968.075 (2) (ar) of the statutes is renumbered 969.27 (2) (ar).

SECTION 406. 968.075 (2) (b) of the statutes is renumbered 969.27 (2) (b).

SECTION 407. 968.075 (2m) of the statutes is renumbered 969.27 (2m) and amended to read:

969.27 (2m) IMMEDIATE RELEASE PROHIBITED. Unless s. ~~968.08~~ 969.17 applies, a law enforcement officer may not release a person whose arrest was required under

1 sub. (2) until the person ~~posts bail~~ remits a cash deposit under s. ~~969.07~~ 969.36 or
2 appears before a judge under s. ~~970.01 (1)~~ subch. I of ch. 971.

* ****NOTE: This provision reconciles -0071/P2 and -0012/P2.

3 **SECTION 408.** 968.075 (3) of the statutes is renumbered 969.27 (3).

4 **SECTION 409.** 968.075 (4) of the statutes is renumbered 969.27 (4).

5 **SECTION 410.** 968.075 (5) of the statutes is renumbered 969.27 (5), and 969.27
6 (5) (e), as renumbered, is amended to read:

7 969.27 (5) (e) Notwithstanding s. ~~968.07 (1)~~ 969.16 (1), a law enforcement
8 officer shall arrest and take a person into custody if the officer has reasonable
9 grounds to believe that the person has violated par. (a).

10 **SECTION 411.** 968.075 (6) to (9) of the statutes are renumbered 969.27 (6) to (9).

11 **SECTION 412.** 968.08 of the statutes is renumbered 969.17 and amended to
12 read:

13 **969.17 Release by law enforcement officer of arrested person.** ~~A Except~~
14 as provided in s. 969.27 (5) (b) 1., a law enforcement officer having custody of a person
15 arrested without a warrant may release the person arrested with or without
16 requiring the person to appear before a judge ~~if the law enforcement officer is~~
17 ~~satisfied that there are insufficient grounds for the issuance of a criminal complaint~~
18 ~~against the person arrested~~ or the district attorney.

19 **SECTION 413.** 968.085 (title) of the statutes is renumbered 969.24 (title) and
20 amended to read:

21 **969.24 (title)** ~~Citation; nature; issuance; release of accused for~~
22 **misdemeanor.**

23 **SECTION 414.** 968.085 (1) of the statutes is renumbered 969.24 (1) and amended
24 to read: